



**CENTRAL INTELLIGENCE AGENCY**

WASHINGTON, D. C. 20505

**OFFICE OF THE DIRECTOR**

20 March 1969

The Honorable Sam J. Ervin, Jr., Chairman  
Subcommittee on Constitutional Rights  
Committee on the Judiciary  
United States Senate  
Washington, D. C. 20510

My dear Mr. Chairman:

I have received your letters of 4 and 5 March 1969 concerning my request to appear before your Subcommittee in executive session to state my views on S. 782.

As I indicated in my letter of 28 February 1969, I do not feel that I can discuss fully and candidly the ramifications which the bill would have on the Central Intelligence Agency in an open session. Therefore, I respectfully renew my request to meet with your Subcommittee in executive session.

As you know, the Congress, in the provisions of the National Security Act which established the Agency, placed upon the Director of Central Intelligence statutory responsibility for protecting intelligence sources and methods from unauthorized disclosure. This is a heavy responsibility and one which is vitally important to the national security. I believe S. 782 would inhibit my fulfillment of that responsibility by limiting our ability to acquire knowledge about the employees of this Agency, the security of which depends primarily on the loyalty and integrity of its personnel, but beyond this it provides for certain administrative procedures which raise even more serious problems, of which the following are examples:

Section 1(k) gives any employee the right to counsel or other person of his choice if he is asked to submit to interrogation which could lead to disciplinary action. Such interrogation, in the Central Intelligence Agency, can involve most sensitive information, particularly as to intelligence sources and methods, and this section would permit presence of uncleared and possibly hostile counsel or other representative at the earliest stages.

Section 4 gives any employee or applicant who alleges he is affected or aggrieved by the violation or threatened violation of any provision of the act immediate access to the United States District Court without regard to whether such employee or applicant shall have exhausted any administrative remedies which may be provided by law. Communists, or other subversives acting on their own or on instructions from foreign agents, could file suits for the sole purpose of harassment based on allegations of improper questioning during recruitment interviews. There is little doubt that such groups would be quick to recognize and exploit the weapon provided by this section. The mere filing of such complaints let alone a hearing on the merits would involve almost inevitably classified information concerning the Agency and its activities.

Section 5 establishes a Board on Employees' Rights which would have the authority and duty to receive and investigate written complaints from or on behalf of any person claiming to be affected or aggrieved by any violation or threatened violation of the act. This section also gives any person the right to file a complaint with the Board without exhausting administrative remedies, which may have been otherwise provided. This would permit public testimony before this Board in situations which might again involve the most sensitive information. In a Central Intelligence Agency case it might well be that a defendant employee had been ordered by the Director not to provide information on the matter since it was highly classified; thus, we would have a conflict between the Board's authorities and the Director's responsibility for protection of intelligence sources and methods.

These three administrative provisions are, I believe, in clear conflict with my statutory responsibilities. I also consider them unnecessary in this Agency in view of the existing Agency machinery for dealing with the grievances of any employee or applicant for employment.

The solution which appears to be most nearly consistent with the national security is a complete exemption from the bill for the Central Intelligence Agency and for other sensitive agencies similarly situated, such as provided for the Federal Bureau of Investigation in your original bill, S. 1035. We are preparing language, however, which would exempt sensitive agencies, such as the Central Intelligence Agency, from the more troublesome provisions of the bill and will submit our suggestions shortly in accordance with your request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard Helms", written in a cursive style.

Richard Helms  
Director

69-2497/A

OGC 69-0900

14 MAY 1969

The Honorable Sam J. Ervin, Jr., Chairman  
Subcommittee on Constitutional Rights  
Committee on the Judiciary  
United States Senate  
Washington, D. C. 20510

My dear Mr. Chairman:

With regard to your letter of May 12th, I fear we may have had some misunderstanding of the situation as we were not aware that we in any way were causing delay in action on S. 782. We had, as you know, hoped to propose and justify our amendments in executive session before your Subcommittee. In accordance with your request, however, we are enclosing such proposed amendments.

Sincerely,

/s/ Richard Helms

Richard Helms  
Director

Enclosure

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